IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33847 of 2007(D)

PETITIONER:

K.BEERAVUNNI, AGED 54 YEARS,
S/O.MOHAMMED HAJI, KARUVEPPIL HOUSE,
AFREENA MANZIL, P.O.VENGARA, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT:

THE OORAKAM GRAMA PANCHAYAT,
OORAKAM, VENGARA, MALAPPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C). NO. 33847 OF 2007

Dated this the 16th day of November, 2007

J U D G M E N T

Petitioner challenges Ext.P3 order passed by the Secretary of Panchayat overruling Ext.P2 reply, which was filed against Ext.P1 notice. Under Ext.P1 notice it is stated that the petitioner has constructed a building in violation Distant Rules. In Ext.P2, petitioner requested for service of a copy of the complaint on the basis of which Ext.P1 was issued to him.

2. Sri. K.K. Muhammed Ravuf, learned counsel for the petitioner, submits that it was without serving him with a copy of the complaint that Ext.P3 has been issued.

3. I do not think there is any serious legal prejudice caused to the petitioner due to non service of the complaint on him since Ext.P3 is a reasoned one so as to enable the petitioner to understand the reasons which weighed with the Panchayat in issuing Ext.P3. Obviously, petitioner had a statutory remedy on Ext.P3. I dispose of the writ petition issuing the following directions:

4. The respondent is directed to serve a copy of the complaint on the basis of which Ext.P1 notice was issued to the petitioner, within 10 days of

petitioner producing a copy of this judgment before him. Upon receiving a copy of that complaint, the petitioner will prefer an appeal against Ext.P3 to the council, if so advised. Petitioner can also ask for measurement of the relevant distances by the authorities of the Survey Department in his presence and at his own cost. If any such request is made by the petitioner in his appeal, that request will also be accepted by the committee. The prospective appeal to be filed by the petitioner against Ext.P3 and the same will be disposed of by the committee of the respondent at the earliest and at any rate, within six weeks on receiving the appeal. Considering the above directions, action for implementation of Ext.P3 will be kept in abeyance by the respondent for two months.

PIUS C. KURIAKOSE, JUDGE

vps